

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FONOVISA, INC., a California corporation;  
INTERSCOPE RECORDS, a California general  
partnership; VIRGIN RECORDS AMERICA,  
INC., a California corporation; ELEKTRA  
ENTERTAINMENT GROUP INC., a Delaware  
corporation; WARNER BROS. RECORDS INC.,  
a Delaware corporation; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; CAPITOL RECORDS, INC., a  
Delaware corporation; and ARISTA RECORDS  
LLC, a Delaware limited liability company,

Plaintiffs,

-against-

ALEXIS GONZALES,

Defendant.

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Civil Action No.: 05CV1519 (DGT) (RML)

Filed Electronically

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U.S. DISTRICT COURT E.D.N.Y.  
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**PROPOSED DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the eleven sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Eight Thousand Two Hundred Fifty Dollars (\$8,250.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Fifteen Dollars (\$315.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "They Want Efx," on album "Dead Serious," by artist "Das EFX" (SR# 140-245);
- "Kiss From A Rose," on album "Seal," by artist "Seal" (SR# 271-303);
- "Secret Garden," on album "Greatest Hits," by artist "Bruce Springsteen" (SR# 198-948);
- "Love Is All," on album "Marc Anthony," by artist "Marc Anthony" (SR# 284-194);
- "Right Here Waiting," on album "Repeat Offender," by artist "Richard Marx" (SR# 103-712);
- "Don't Turn Around," on album "The Sign," by artist "Ace of Base" (SR# 169-749);
- "If You Say My Eyes Are Beautiful," on album "Whitney The Greatest Hits," by artist "Whitney Houston" (SR# 284-891);
- "U Got It Bad," on album "8701," by artist "Usher" (SR# 307-207);
- "Mi Eterno Amor Secreto," on album "Trazos De Mi Alma," by artist "Marco Antonio Solis" (SR# 264-718);
- "Be With You," on album "Enrique," by artist "Enrique Iglesias" (SR# 214-257);
- "Red Red Wine," on album "Labour of Love," by artist "UB40" (SR# 49-244);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs)

("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: 7/12/05

By: s/David G. Trager  
Hon. David G. Trager  
United States District Judge